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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------|
| 10/800,317 | 03/15/2004 | Robert W. Ferrell | 7841 | 1739 |
| 7590 | 02/09/2006 | | EXAMINER | |
| Alan F. Meckstroth JACOX, MECKSTROTH & JENKINS Suite 2 2310 Far Hills Building Dayton, OH 45419-1575 | | | STRIMBU, GREGORY J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3634 | |
| | | | DATE MAILED: 02/09/2006 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/800,317 | FERRELL, ROBERT W. | |
| | Examiner | Art Unit | |
| | Gregory J. Strimbu | 3634 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/7/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____ . |

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

It is suggested that the applicant amend the title to include the bushing as set forth in claim 1.

Claim Rejections - 35 USC § 112

Claims 2-8 and 10-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "said bushing" on line 1 of claim 2 render the claims indefinite because it is unclear to which one of the plurality of bushings set forth above the applicant is referring.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Peterson. Young discloses a threshold assembly 10 adapted to be installed below the bottom surface of a movable door 13, comprising an elongated

threshold 22 having a sloping top sill surface (not numbered, but shown in figure 3) and a longitudinally extending cavity (not numbered, but shown in figure 3), an elongated rail member 14 disposed within said cavity, a plurality of longitudinally spaced adjusting screw units 26 connecting said rail member to said threshold, said screw having a head portion (not numbered, but shown in figure 3) with surfaces for receiving a tool to provide for rotating said screw, and a nut member 26 threadably receiving said screw and retained by said threshold against rotation relative to said threshold, a radially outwardly projecting flange 26 comprising an annular washer. Young is silent concerning a tubular bushing.

However, Peterson discloses a metal tubular bushing 10 having a vertical axis and a screw 50 extending into the bushing and having an upper portion captured for rotation within the bushing, the bushing includes ribs (not numbered, but shown in figure 6 and described in column 2, lines 56-68).

It would have been obvious to one of ordinary skill in the art to provide Young with a bushing and a metal construction, as taught by Peterson, to prevent damage to the rail member 14.

Claims 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Peterson as applied to claims 1-8 and 18-20 above, and further in view of Mettler. Mettler discloses an inverted T-nut 12 for threadably receiving a screw 1.

It would have been obvious to one of ordinary skill in the art to provide Young, as modified above, with an inverted T-nut, as taught by Mettler, to prevent the T-nut from rotating with respect to the threshold as the screw is rotated.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bennett, Lesosky, and McAllister are cited for disclosing an adjustable threshold assembly. Kitayama et al., Froehlich, Schmidt, and Worthing are cited for disclosing a bushing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory J. Strimbu
Primary Examiner
Art Unit 3634
February 3, 2006